

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LEON DENTON,

Plaintiff,

v.

**SHELBY COUNTY, TENNESSEE and
THE STATE OF TENNESSEE**

Defendants.

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No. 16-3010-ST A-egb

**ORDER DIRECTING PLAINTIFF TO FILE UPDATED FINANCIAL INFORMATION
OR PAY THE FULL APPELLATE FILING FEE**

Before the Court is Plaintiff Leon Denton's Notice of Appeal (ECF No. 13) filed on November 16, 2018. On September 13, 2018, the Court dismissed Denton's complaint as part of the screening required under 28 U.S.C. § 1915A(b) and entered judgment in the case. Denton then filed a motion to proceed *in forma pauperis* on appeal (ECF No. 11) on October 5, 2018, along with a copy of Denton's inmate trust fund statement. However, Denton's motion clearly stated that Denton did not intend to appeal the Court's judgment in his case. Because it was not clear to the Court whether Denton was seeking leave to appeal *in forma pauperis* or even filing an appeal at all, the Court ordered Denton to clarify whether he intended to appeal the Court's ruling. In response to the Court's order, Denton filed a letter, which the Court construes as his Notice of Appeal.

The Court now must decide whether Denton qualifies for the installment procedures available for the payment of the appellate filing fee. As a prisoner, Denton must pay the entire \$505 appellate filing fee, although he may be able to take advantage of the installment payment

method of § 1915(b). *See McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013). In order to take advantage of the installment procedures, a prisoner plaintiff must submit, along with the notice of appeal, an updated *in forma pauperis* affidavit and inmate trust account statement. *Id.* at 610; 28 U.S.C. § 1915(a)(2). Denton has filed a trust account statement but not an updated *in forma pauperis* affidavit. Therefore, Denton has not shown that he is eligible to take advantage of the installment procedures of § 1915(b). In the absence of such a showing, Denton must pay the full \$505 appellate filing fee.

Accordingly, Denton is hereby **ORDERED** to submit either the full \$505 appellate filing fee or an updated *in forma pauperis* affidavit and trust account statement within 30 days of the date of this order. If Denton fails to file the required documents in a timely manner, the Court will deny leave to appeal *in forma pauperis* and assess the entire \$505 filing fee from his inmate trust account without regard to the installment procedures. The Sixth Circuit may dismiss the appeal for failure to prosecute.

The Clerk is directed to send Denton a copy of the prisoner *in forma pauperis* affidavit form along with this order. The Clerk is also directed to notify the Sixth Circuit of the entry of this order.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: November 27, 2018